IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1134 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 19-08-2003 in W.P. No.8715 OF 2000 on the file of the High Court.)

Between:

K. Venkayamma W/o K. Raghavendra Rao
R/o Peddamaddali Village, Krishna District.

..... APPELLANT(Petitioner)

AND

1 The Land Acquisition Officer-cum-Sub-Collector

Vijayawada, Krishna District.

2 The Mandal Revenue Officer, Krishna District.

3 Andhra Pradesh Industrial Infrastructure

Corporation Ltd., Vijayawada,
Krishna District, Rep. By its Manager

.....RESPONDENTS(Respondents)

Counsel for the Appellant: MR.K. DURGA PRASAD

Counsel for Respondent Nos.1 & 2: GP FOR LAND ACQUISITION

Counsel for Respondent No.3: R. Subba Rao, Advocate.

The Court made the following :

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JUDGMENT:(Per Hon'ble Sri Justice B. Sudershan Reddy)

This Writ Appeal is directed against the order dated 19-08-2003 made in W.P. No.8716 of 2000 by a learned single Judge of this Court whereunder the learned single Judge dismissed the writ petition filed by the appellant herein without granting any relief whatsoever.

The appellant herein claims to be the owner of the acquired land. The lands were acquired vide notification issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act'), dated 16-04-1995. The award was passed on 23-05-1996.

The writ petition has been filed by the appellant/ petitioner in the year 2000 challenging the notification as well as the award on the ground that she came to know about the acquisition of the land only when she received notice from the Civil Court on reference under Section 30 of the Act by the Land Acquisition Officer. The appellant/petitioner claimed ignorance of the very acquisition.

It is interesting to notice that the possession of the land was taken over as

early as on 14-08-1996 i.e. within three months from the date of passing of the award by the Land Acquisition Officer. Learned single Judge did not appreciate the stand taken by the appellant/petitioner that she came to know about the acquisition of the land only after receiving notice from the Civil Court. The fact remains that the possession, in accordance with law, was taken over immediately after the award passed on 23-05-1996. In the circumstances, the plea taken by the appellant/petitioner that she came to know about the acquisition of the land only in the year 2000 is not acceptable to the Court. In our considered opinion, the appellant/petitioner is indulging in speculative litigation. There is no factual foundation as such in the writ petition filed by the appellant/petitioner that she came to know about the acquisition of the land only after she received the notice from the Civil Court. Such a
self-serving statement in the affidavit itself is not acceptable to the Court for the simple reason that the appellant/
petitioner who is claiming to be the owner of the property must be aware of the acquisition and the possession of the land taken on 14-08-1996.

In the circumstances, various pleas advanced on behalf of the appellant/petitioner cannot be examined by this Court at this stage.

We find no merit in the appeal and the same shall accordingly stand dismissed. No order as to costs.

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B. SUDERSHAN REDDY, J

Date:30-07-2004

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K.C. BHANU, J

PV

….Deputy Registrar.

Section Officer.

To

1 The Land Acquisition Officer-cum-Sub-Collector

Vijayawada, Krishna District.

2 The Mandal Revenue Officer, Krishna District.

3 The Manager,

Andhra Pradesh Industrial Infrastructure

Corporation Ltd., Vijayawada,
Krishna District.

4. Two C.Cs. to G.P. for Land Acquisition, High Court of A.P.,

Hyderabad(O.U.T.)

5. Two C.Ds.